

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**IN RE: RULES AND REGULATIONS ) DOCKET NO. D-05-10**  
**GOVERNING THE TELECOMMUNICATONS )**  
**EDUCATION ACCESS FUND REQUIRED )**  
**UNDER R.I.G.L. §39-1-61 )**

**NOTICE OF RULEMAKING AND PUBLIC HEARING**

Pursuant to the provisions of Rhode Island General Laws §§39-1-1 *et seq.* and 42-35-3, the Rhode Island Division of Public Utilities and Carriers (“Division”) will conduct a public hearing on **Monday, April 11, 2005 at 10:00 a.m.**, in the second-floor hearing room of the Division’s office located at 89 Jefferson Boulevard, Warwick, Rhode Island, for the purpose of adopting rules and regulations to establish a Telecommunications Education Access Fund in compliance with Rhode Island General Laws, Section 39-1-61.

Rhode Island General Laws, Section 39-1-61 provides that commencing on January 1, 2004 a program and funding mechanism be in place and available to qualified libraries and schools (Kindergarten through Grade 12) to assist in paying the costs of acquiring, installing and using telecommunications technologies to access the internet. The law further provides that an assessment of a monthly surcharge shall be billed by each telecommunications service provider and shall be payable to the telecommunications service provider by the subscriber of the telecommunications services. State, local and quasi-municipal agencies are exempt from the surcharge. The level of the surcharge will be determined by the General Assembly on annual basis. The surcharge is currently \$.26 per access line or trunk.

The Telecommunications Education Access Fund was administered in 2004 by the Public Utilities Commission (“PUC”), which promulgated related Rules and Regulations on January 1, 2004. However, during the 2004 legislative session, Section 39-1-61 was amended to transfer the administration duties from the PUC to the Division. The proposed rules and regulations are chiefly designed to effectuate this change.

The proposed rules and regulations are on file in the Clerk’s Office at 89 Jefferson Boulevard, Warwick, Rhode Island. Copies of the proposed rules and regulations may be obtained in person at the Division, by mail by calling 941-4500, ext. 107, or may be accessed at [www.ripuc.org/eventsactions/docket/d-05-10page.html](http://www.ripuc.org/eventsactions/docket/d-05-10page.html).

Interested persons wishing to offer data, views, or arguments on the proposed rules and regulations may do so either orally on the day of the hearing, or in writing, by submitting their comments to the following address prior to the date of the hearing:

Luly E. Massaro, Division Clerk  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

Reference is also made to R.I. Gen. Laws Chapters 42-35 and 39-1, specifically, §§42-35-1, 42-35-2, 42-25-3, 42-35-4, 42-35-5, 39-1-15, 39-3-33 and 39-1-38.

THE DIVISION IS ACCESSIBLE TO THE HANDICAPPED. INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE HEARING IMPAIRED MUST NOTIFY THE DIVISION BY CALLING 941-4500, EXT. 107, SEVENTY-TWO (72) HOURS IN ADVANCE OF THE HEARING DATE.

Luly Massaro  
Division Clerk  
March 4, 2005